

Protective clothing is exempt from sales and use tax if it is purchased for use or consumption within an Enterprise Zone in connection with the Enterprise Zone Manufacturing Machinery and Equipment Exemption, the Enterprise Zone Graphic Arts Production exemption, or the Enterprise Zone Pollution Control Facilities exemption. See 86 Ill. Adm. Code Section 130.1951. (This is a GIL.)

August 10, 2004

Dear Xxxxx:

This letter is in response to your letter dated November 18, 2003, in which you request information. The Department issues two types of letter rulings. Private Letter Rulings ("PLRs") are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. A PLR is binding on the Department, but only as to the taxpayer who is the subject of the request for ruling and only to the extent the facts recited in the PLR are correct and complete. Persons seeking PLRs must comply with the procedures for PLRs found in the Department's regulations at 2 Ill. Adm. Code 1200.110. The purpose of a General Information Letter ("GIL") is to direct taxpayers to Department regulations or other sources of information regarding the topic about which they have inquired. A GIL is not a statement of Department policy and is not binding on the Department. See 2 Ill. Adm. Code 1200.120. You may access our website at [www.ILTAX.com](http://www.ILTAX.com) to review regulations, letter rulings and other types of information relevant to your inquiry.

The nature of your inquiry and the information you have provided require that we respond with a GIL. In your letter you have stated and made inquiry as follows:

ABC provides a complete solution for financial transactions that require the determination, calculation, and reporting of U.S. sales and use tax. The ABC system automatically determines sales and use tax for all state, county, city, transit or special district taxes associated with a given address. ABC also provides product taxability. ABC determines whether particular products are taxable or exempt, and customers map their products to our product listing.

We are seeking guidance on the taxability of protective clothing. Our specific product taxability questions are detailed below. It would be helpful to us if you indicate any statutes or authorities you use.

**Questions:**

1. Is protective clothing subject to sales or use tax in Illinois?
2. If protective clothing is exempt, what are the criteria it must conform to in order to qualify for the exemption?

3. Is the taxability of protective clothing different from the taxability of safety clothing?
4. What is the taxability of protective clothing within the manufacturer's exemption? Scenario: A manufacturer provides protective clothing free of charge to employees for use at work for the purpose of protecting employees from bodily injury.

Thank you for your assistance in this matter.

#### **DEPARTMENT RESPONSE:**

Generally "protective clothing" or "safety clothing" is not exempt from use or occupation taxes in Illinois. There are some exceptions to this rule however.

Tangible personal property purchased for use or consumption within an Enterprise Zone in the following instances is exempt:

- protective clothing and safety equipment such as gloves, coveralls, aprons, goggles, safety glasses, face masks and air filter masks used when maintaining, repairing or operating machinery and equipment that qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part. (86 Il. Adm. Code 130.1951(g)(5)(G))
- protective clothing and safety equipment such as ear plugs, safety shoes, gloves, coveralls, aprons, goggles, safety glasses, face masks and air filter masks used when maintaining, repairing or operating machinery and equipment that qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part. (86 Il. Adm. Code 130.1951(h)(5)(G))
- protective clothing and safety equipment used in the operation of pollution control facilities. (86 Il. Adm. Code 130.1951(i)(3)(G))

Each of these rules may be viewed and printed by going to the Department's website, clicking on "Legal Research", then clicking on "Regulations".

I hope this information is helpful. If you require additional information, please visit our website at [www.ILTAX.com](http://www.ILTAX.com) or contact the Department's Taxpayer Information Division at (217) 782-3336. If you are not under audit and you wish to obtain a binding PLR regarding your factual situation, please submit a request conforming to the requirements of 2 Ill. Adm. Code 1200.110 (b).

Sincerely,

Samuel J. Moore  
Associate Counsel